

RESOLUTION NO. 20180628-125

WHEREAS, the City of Austin is one of the fastest-growing cities in the country, with a regional population expected to reach more than 4,600,000 by 2050 according to the City Demographer; and

WHEREAS, housing makes up the largest share of most Americans' spending, and continued escalation in housing costs forces individuals to spend less on food, health care, utilities, transportation, and other necessities; and

WHEREAS, the Joint Center for Housing Studies of Harvard University reports that a shortage of available, affordable housing threatens to displace long term residents as more affluent households pay a premium for homes that would traditionally be occupied by lower-income families; and

WHEREAS, a stable, functioning housing market is vital to Austin's economic strength and resilience to retain families in Austin; and

WHEREAS, the Austin Strategic Housing Blueprint reports the need for the construction of a minimum of 135,000 additional housing units in the City of Austin by 2027; and

WHEREAS, according to the White House Housing Development Toolkit released during the Obama Administration:

“The growing severity of undersupplied housing markets is jeopardizing housing affordability for working families, increasing income inequality by reducing less-skilled workers' access to high-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions”; and,

WHEREAS, the Imagine Austin Comprehensive Plan endeavors to:

- Distribute a variety of housing types throughout the city to expand the choices available to meet the financial and lifestyle needs of Austin's diverse population and to increase rental and ownership opportunities for singles, seniors, individuals with disabilities, and multi-generational families; and
- Protect neighborhood character by providing housing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods; and

WHEREAS, the Code Diagnosis released in 2014 stated that, “the LDC update affords in improving the organizational structure within Planning and Development Review, it offers a similar chance to evaluate how all city departments interact in the permitting process. Currently, all city departments are autonomous; there is no priority to the regulations they enforce. Consequently, there is no way to resolve conflicting requirements between departments, and no encouragement of creative problem-solving”; and

WHEREAS, research released by the Federal Transit Administration states, “Increased density in station areas not only supports transit but also may accomplish other goals, including reducing urban sprawl, reducing congestion, increasing pedestrian activity, increasing economic development potential, realizing environmental benefits, and building sustainable communities”; and

WHEREAS, in order to achieve the vision established by the Imagine Austin Comprehensive Plan and the Austin Strategic Housing Blueprint we must ensure

that we effectively calibrate non-zoning regulations with Austin's current and future housing needs and the goals of Imagine Austin; and

WHEREAS, while the Planning Commission provided a final report on the entirety of CodeNEXT, its review of Chapter 23-4 (*Zoning Code*) was more thorough and robust than its review of non-zoning regulations, most notably Chapters 23-1 through 23-3 and Chapters 23-5 through 23-13; and

WHEREAS, a frequent refrain throughout public comment on CodeNEXT has been uncertainty as to how the Code as a whole will impact properties and, in particular, the extent to which non-zoning regulations may affect the number of developable residential units otherwise allowed by Chapter 23-4 (*Zoning Code*); and

WHEREAS, in light of these limitations, it is recognized that additional review and testing of non-zoning regulations in CodeNEXT would aid Council in better understanding the impact of CodeNEXT and the degree to which it furthers Imagine Austin and other stated Council goals; and

WHEREAS, several community groups and stakeholders, including without limitation, the Austin chapter of the American Institute of Architects and other technical experts, have convened to review the non-zoning regulations included in CodeNEXT in order to test the workability and practical application of CodeNEXT and produced reports which include pointed and specific recommendations for improving CodeNEXT; and

WHEREAS, further vetting and evaluation of the non-zoning regulations, including modeling of their combined impact on the capacity, feasibility and affordability of CodeNEXT is vital to ensuring Austin's current and future market rate and affordable housing needs are met; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

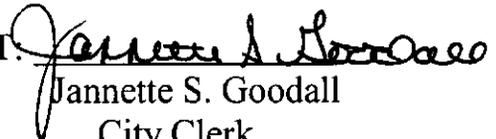
- (1) The City Manager is directed to convene a group of design and development professionals, including architects, technical experts, and environmental experts, to obtain professional review, modeling, and testing of the latest draft of CodeNEXT and the recommendations of City commissions, with a particular focus on:
 - (a) the impact of non-zoning regulations on achieving the unit capacity yields, otherwise available under Chapter 23-4 (*Zoning Code*), on the goals of Imagine Austin, and on the financial feasibility on tested projects; and
 - (b) any conflicts between different regulations or requirements imposed under CodeNEXT, along with recommendations for resolving these conflicts and making the Land Development Code simpler and more predictable.
- (2) In obtaining the review, modeling, and testing required under Paragraph (1), above, the City Manager shall dedicate needed staff and consulting resources and shall ensure an open and transparent public process that mirrors the Texas Open Meetings Act by:
 - Providing notice of meetings;
 - Conducting meetings in publicly accessible location; and
 - Providing a record of the meeting, including a list of participants.
- (3) A person who is registered or required to register as a lobbyist under City Code Chapter 4-8 or who is employed by a person registered or required to register under City Code Chapter 4-8 is prohibited from participating in the group of design and development professionals.

- (4) The City Manager shall obtain and provide to the City Council the results of the review, modeling, and testing required under Paragraph (1), including staff responses to all technical determinations, by no later than August 31, 2018.

BE IT FURTHER RESOLVED:

The City Council affirms that CodeNEXT should not be implemented until confirmation that the new Land Development Code works and all necessary training, technology updates, organizational changes, and updates to criteria manuals have been finalized.

ADOPTED: June 28, 2018

ATTEST: 
Jannette S. Goodall
City Clerk